

REMARKS

This responds to the Office Action mailed on June 4, 2007.

Claims 1, 4-5, 8, 10, 15, 17-18, 20, 23, and 25 are amended, claims 6, 11, and 28 are canceled, without prejudice to the Applicant; as a result, claims 1-5, 7-10, and 12-27 are now pending in this application. So, the pending application now includes 25 total claims and 5 independents.

Information Disclosure Statement

Applicant submitted an Information Disclosure Statement and a 1449 Form on August 9, 2005. All except one listed document (JP 2003-189273) was returned as initialed and considered by the Examiner. Applicant respectfully requests that a complete initialed copy of the 1449 Form be returned to Applicant's Representatives to indicate that the cited references have been considered by the Examiner.

§102 Rejection of the Claims

Claims 1, 2, 8, 11, 13, 15, 16, 20-22, 24, 25 and 28 were rejected under 35 U.S.C. § 102(b) for anticipation by Katsumi (U.S. 6,369,846). It is of course fundamental that in order to sustain an anticipation rejection that each and every step or element in the rejected claims must be taught or suggested in exact detail and identical arrangement in the cited reference.

Katsumi is directed to a multipoint television (TV) conference system. In determining whether a speaker is speaking, Katsumi uses two approaches. The first is based on power of the audio signal and the second is based on a sampling technique described in JPA 6-83391. *See Katsumi beginning in column 5 line 56 and continuing to column 6 line 16.* Moreover, Katsumi uses a very specific technique to analyze the video for lip detection and movement described in JPA 6-301393, which uses ellipse and aperture to detect changes as a waveform and wavelets. *See Katsumi column 6 lines 35-46.*

Katsumi does not use a training session, does not decompose the problem associated with lip recognition via a first step of face detection, and does not use time slices and frequencies to eliminate noise, to detect and distinguish multiple speakers simultaneously speaking, and to match a particular speaker with a particular frequency.

The Katsumi approach does not separately analyze the audio and visual along a same time line for detection of mouth movement and changes in frequency. The approach of Katsumi is to detect when a lip moves and detect when someone is speaking. The detection of when someone is speaking uses a power of audio signal and a sampled approach, it is not one in which a same time slice and frequency are matched and correlated, as is now positively recited in the claims. Additionally, there is no notion of a training session in Katsumi. As a result, the Katsumi can not distinguish when two speakers are simultaneously speaking since a particular frequency is not detected and matched to a particular speaker in Katsumi. However, this can be achieved with the technique claimed by the Applicant.

Accordingly, Applicant respectfully requests that the rejections of record be withdrawn and the claims allowed.

§103 Rejection of the Claims

Claims 3-6, 9, 10, 14, 17-19, 23, 26 and 27 were rejected as being unpatentable over 35 U.S.C. § 103(a) as being unpatentable over Katsumi in view of Nefian (U.S. 2003/0212557). These claims dependent from amended independent claims; thus, for the amendments and remarks presented above with respect to the independent claims, these rejections should be withdrawn. Applicant respectfully requests an indication of the same.

Claim 12 was also rejected as being unpatentable over 35 U.S.C. § 103(a) as being unpatentable over Katsumi in view of Van Schyndel (U.S. 5,940,118). Claim 12 is dependent from amended independent claim 8; therefore, for the amendments and remarks presented above with respect to the independent claim 8, the rejection of claim 12 should be withdrawn. Applicant respectfully requests an indication of the same.

Claim 7 was also rejected as being unpatentable over 35 U.S.C. § 103(a) as being unpatentable over Katsumi in view of Nefian and further in view of Van Schyndel. Claim 7 was cancelled, without prejudice to the Applicant. Therefore, this rejection is now moot and should be withdrawn. Applicant respectfully requests an indication of the same.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record is relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 10/813,642

Filing Date: March 30, 2004

Title: TECHNIQUES FOR SEPARATING AND EVALUATING AUDIO AND VIDEO SOURCE DATA

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Dkt: 884.C05US1

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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